

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK**

BRYAN M. DUBUQUE	)	Civil Action No. 8:23-cv-01200-DJS
	)	
	)	
<i>Plaintiff,</i>	)	
	)	Hon. Daniel J. Stewart
v.	)	United States Magistrate Judge
	)	
MARTIN O'MALLEY,	)	
COMMISSIONER OF	)	
SOCIAL SECURITY <sup>1</sup>	)	
	)	
<i>Defendant.</i>	)	Stipulation – Document Filed Electronically

**Consent Order for Payment of Fees under the Equal Access to Justice Act**

IT IS HEREBY STIPULATED AND AGREED by the undersigned attorneys for the parties in the above-titled action that Plaintiff be awarded attorney fees and expenses under the Equal Access to Justice Act (EAJA) (28 U.S.C. § 2412) in the amount of five hundred and eighty-two dollars and fifty five cents (\$582.55).

The award of attorney fees will satisfy all of Plaintiff's claims for fees, costs, and expenses under 28 U.S.C. § 2412 in this case. Any fees paid belong to Plaintiff and not to his attorney and can be offset to satisfy pre-existing debt that Plaintiff owes the United States. *Astrue v. Ratliff*, 560 U.S. 586 (2010). After the Court enters this award, if Defendant can verify that Plaintiff owes no preexisting debt subject to offset, Defendant agrees to make the award payable to Plaintiff's attorney pursuant to the EAJA assignment signed by Plaintiff and counsel.

AND, the Court having reviewed the record in this matter;

IT IS on this 2 day of January, 2024;

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<sup>1</sup> Martin O'Malley became the Commissioner of Social Security on December 20, 2023. Pursuant to Rule 25(d) of the Federal Rules of Civil Procedure, Martin O'Malley should be substituted for Kilolo Kijakazi as the defendant in this suit. No further action need be taken to continue this suit by reason of the last sentence of section 205(g) of the Social Security Act, 42 U.S.C. § 405(g).

ORDERED that Plaintiff be awarded fees under EAJA in the amount of \$582.55, and that the fees are payable to the Plaintiff, but if Plaintiff does not owe a debt subject to offset, payable to Plaintiff's attorney.

ORDERED that the within matter is dismissed with prejudice.



Daniel J. Stewart  
U.S. Magistrate Judge

The undersigned hereby consent to the form and entry of the within order.

Dated: January 2, 2024

Respectfully Submitted,

Martin O'Malley,

By His Attorneys

Carla B. Freedman,  
United States Attorney

/s/ Geoffrey M. Peters

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/s/ Mark Schneider<sup>2</sup>

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<sup>2</sup> Signed by SAUSA Peters on behalf of Mr. Schneider with his consent obtained via email.